

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC.,
Plaintiff,

v.

POWER VENTURES, INC., et al.,
Defendants.

Case No. 08-CV-05780-LHK

CASE MANAGEMENT ORDER

Plaintiff's Attorney: Neel Chatterjee and Robert Uriarte
Defendant Power Venture's Attorney: Amy Anderson
Defendant Steve Vachani: Pro Se

A case management conference was held on February 15, 2017.

The Court set the following briefing schedule on the remanded issue of remedies. Plaintiff shall file an opening brief by March 8, 2017. Defendants shall file a joint response brief by March 29, 2017. Plaintiff shall file a reply brief by April 12, 2017. A hearing is set for the remanded issue of remedies on April 25, 2017 at 2:00 p.m.

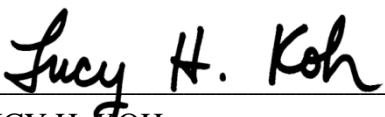
In briefing the remanded issue of damages, the parties shall limit their arguments to the issues that the Ninth Circuit remanded for consideration. The parties shall not present arguments regarding aspects of the Court's decision which the Ninth Circuit did not reverse on appeal. For example, the Court will not consider arguments regarding whether attorney's fees constitute compensable damages under the CFAA. *See, e.g.*, ECF No. 373, at 15 (finding "no clear error in Judge Ware's determination that Facebook's costs meet the definition of 'loss' provided by the

1 CFAA” or California Penal Code § 502). Similarly, the Court will not reconsider its previous
2 holdings on the issue of Defendant Vachani’s personal liability for the actions of Defendant Power
3 Ventures. *See* ECF No. 401 (“[W]e affirm the district court’s holding on Vachani’s personal
4 liability for Power’s actions.”). The parties shall carefully review the Ninth Circuit’s opinion and
5 the record in this case to ensure that the parties argue only those issues that the Ninth Circuit
6 ordered the district court to address on remand.

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8 The Court also orders that Defendants shall pay the \$39,796.73 discovery sanction
9 affirmed by the Ninth Circuit by March 15, 2017.

10 **IT IS SO ORDERED.**

11 Dated: February 15, 2017

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15 LUCY H. KOH
16 United States District Judge
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